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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,801	06/20/2005	Hiroyuki Yashima	274136US0PCT	6806
22850	7590	10/30/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SZEKELY, PETER A	
			ART UNIT 1796	PAPER NUMBER
			NOTIFICATION DATE 10/30/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/539,801	YASHIMA ET AL.	
	Examiner	Art Unit	
	Peter Szekely	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14 is/are rejected.
- 7) ☒ Claim(s) 5-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:6/20/05,8/25/05,10/2/06,9/19/07.

DETAILED ACTION

Claim Objections

1. Claims 5-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-13 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrell, Jr., 3,839,241, Sauterey 5,322,886, Miyagawa et al. 5,766,762, Miyagawa et al. 5,912,079 or Bayer Aktiengesellschaft GB 1,529,495.

4. Harrell, Jr. discloses polychloroprene latex in claim 1, nonionic surfactants in column 1, lines 58-59, HLB in the paragraph overlapping columns 2 and 3, anionic surfactants in column 3, lines 9-15 and the potassium salt of the condensate of formaldehyde and alkyl naphthalene sulfonic acid in column 4, lines 55-58. Sauterey teaches polychloroprene latices, anionic surfactants and two nonionic surfactants having HLB values differing by at least three units in the Abstract, sodium dodecylbenzene sulfonate in column 3, lines 26-27, HLB values in column 3, lines 29-41, nonionic surfactants in column 3, lines 47-66, surfactant concentrations in column 4,

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lines 4-16 and condensation product of formaldehyde and naphthalenesulfonic acid in column 4, lines 47-52. See also Tables I-V. Miyagawa et al. ('762) divulge 2,3-dichlorobenzene latex in the Abstract, a mixture of nonionic and anionic surfactant in column 3, lines 64-65, anionic surfactants in the paragraph overlapping columns 3 and 4, nonionic surfactants in column 4, lines 7-1, concentrations in column 4, lines 43-45 and blends of surfactants in claim 1. The contents of Miyagawa et al. ('079) are similar. Bayer reveals polychloroprene latex, with anionic and nonionic surfactants in claim 1, and specific surfactants in Examples 4 and 5. Applicants' claims are not novel.

5. Claim 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Denki Kagaku Kogyo Kabushiki Kaisha JP-49-59186 or Japanese Synthetic Rubber JP-5-331440.

6. The examiner accepts the conclusions of the Japanese and European patent Offices without any reservations. Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrell, Jr., 3,839,241, Sauterey 5,322,886, Miyagawa et al. 5,766,762, Miyagawa et al. 5,912,079, Bayer Aktiengesellschaft GB 1,529,495, Japan Synthetic Rubber JP-5-331440 or Denki Kagaku Kogyo Kabushiki Kaisha JP-49-59186, in view of Enichem Elastomers JP-7-90031, JP-08-188694, JP-08-269114 or JP-09-012656.

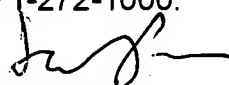
10. The primary references have been discussed already. It would have been obvious to one having ordinary skill in the art; at the time the invention was made, to select applicants' ingredients from a list of equivalents in the first five primary references. As far as Japanese Synthetic Rubber, Denki Kagaku Kogyo KK and the secondary references are concerned, the examiner again accepts the conclusions of the Japanese and the European Patent Offices without any reservations.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Szekeley
Primary Examiner
Art Unit 1796

P.S.
10/23/07